

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

DANIEL DEAN SHEETS,

Petitioner,

v.

KATHLEEN ALLISON,

Respondent.

No. 2:21-CV-0301-JAM-DMC-P

ORDER

Petitioner, a prisoner proceeding pro se, brings this petition for a writ of habeas corpus under 28 U.S.C. § 2254. Pending before the Court are Petitioner's motions, ECF Nos. 12 and 13, for the appointment of counsel.

There currently exists no absolute right to appointment of counsel in habeas proceedings. See Nevius v. Sumner, 105 F.3d 453, 460 (9th Cir. 1996). However, 18 U.S.C. § 3006A authorizes the appointment of counsel at any stage of the case "if the interests of justice so require." See Rule 8(c), Fed. R. Governing § 2254 Cases. In the present case, the Court does not find that the interests of justice would be served by the appointment of counsel at the present time. Petitioner states that appointment of counsel is warranted because it does not understand the law and because he has limited law library access. These are not the kinds of circumstances in which justice requires the appointment of counsel. To date, Petitioner has been able to articulate his claims and oppose Respondent's motion to dismiss.

Accordingly, IT IS HEREBY ORDERED that:

1. The Clerk of the Court is directed to update the docket to reflect that Kathleen Allison is the named respondent; and
2. Petitioner's motions for the appointment of counsel, ECF Nos. 12 and 13, are denied without prejudice to renewal, at the earliest, after an answer to the petition has been filed.

Dated: November 5, 2021



DENNIS M. COTA
UNITED STATES MAGISTRATE JUDGE